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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 MICHAEL JOHN MULLINS,

12 Petitioner,

13 v.

14 WASHINGTON STATE SUPREME COURT

15 Respondent.
16

Case No. C08-5443BHS/JKA

ORDER TO AMEND
OR CHANGE CASE
CAPTION

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18 This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant
19 to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR
20 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

21 The court has reviewed the petition prior to service. Mr. Mullins names the Washington
22 State Supreme Court as the only respondent. Mr. Mullins is in custody and should have named the
23 superintendent of the facility where he is currently housed.

24 28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the
25 person detained.” This person typically is the superintendent of the facility in which the petitioner is
26 incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal
27 jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

28 ORDER

Petitioner is ordered to file an amended petition naming the proper respondent, or file a motion to change the case caption. The new petition or motion must be filed on or before **August 22, 2008** or the court will recommend dismissal of this petition on jurisdictional grounds.

The clerk is ordered to send copies of this order to the petitioner c/o Michelle Mullins
9721 52nd Dr. N. E. Marysville, Wash 98270

DATED this 25 day of July, 2008.

/s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge

ORDER